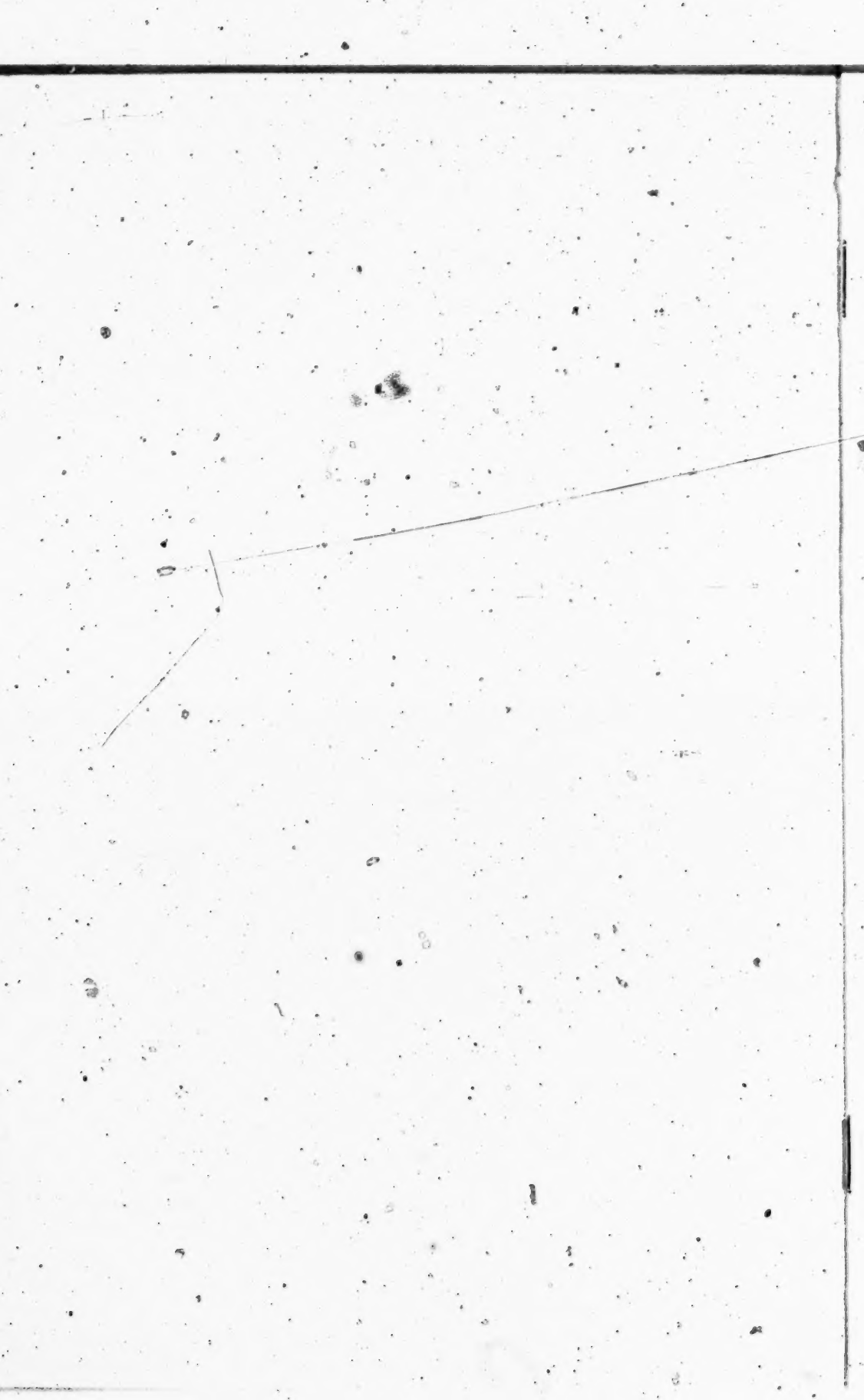

SUPREME COURT, U. S.

JAN 30 1968

JOHN F. DAVIS, CLERK

In the Supreme Court of the United States

OCTOBER TERM, 1967.

No. 753.

ALEXANDER BIRNS,

Petitioner,

vs.

STATE OF OHIO,

Respondent.

PETITION FOR REHEARING OF PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF OHIO.

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PETITION FOR REHEARING OF PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF OHIO.

Petitioner, Alexander Birns, respectively requests that this Court grant a rehearing of its order of January 15, 1968 denying his petition for writ of certiorari and that a writ of certiorari issue to the Supreme Court of Ohio in the above styled case as prayed for in the petition filed on October 21, 1967.

REASONS FOR GRANTING REHEARING AND ISSUING THE WRIT.

Petitioner says that subsequent to the filing of his petition for rehearing he filed a supplemental brief pursuant to Rule 24(5) discussing the application of *Katz vs. United States*, ____ U. S. ____, 19 L. Ed. 2nd 576 (1967). This supplement was docketed in the Supreme Court on January 10, 1968, and may have arrived too late for consideration by the Court before its decision to deny certiorari.[1]

[1] The *Katz* case came down on December 18, 1967.

On the assumption that the *Katz* case raises new issues and that the Court has not had the occasion to consider the *Katz* case in conjunction with the other grounds for certiorari, Petitioner files this petition for rehearing.

CONCLUSION.

For reasons set out here and in the petition for a writ of certiorari and the supplemental brief, it is respectfully urged that rehearing be granted and that, upon such rehearing, a writ of certiorari issue to the Supreme Court of Ohio as prayed for.

Respectfully submitted,

JACK G. DAY,
Counsel for Petitioner.

CERTIFICATION.

I hereby certify that the foregoing petition for rehearing is presented in good faith and not for delay and is restricted to grounds specified in Rule 58 of the Rules of this Court.

JACK G. DAY,
Counsel for Petitioner.